

IN SENATE OF THE UNITED STATES.

FEBRUARY 15, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT :

[To accompany bill S. No. 147.]

The Committee on Claims, to whom was referred the petition of John Devlin, report:

That the facts of this case are fully stated in the examination of Mr. Devlin, made by a member of the committee, and sworn to by the petitioner, which is as follows:

Examination of John Devlin.

I entered the office of the Fifth Auditor, Mr. Pleasonton, 27th day of February, 1837. I had not been a clerk in the public offices before. I was a substitute for Mr. Beale, who was a regular clerk in the office, and who got leave of absence. He had \$1,150 per annum. He was gone but twenty days. I expected to get his place if he did not resume it. Mr. Beale gave me \$20 for the time I acted for him. The office paid me nothing. I did nothing for any other person, while so employed, that I got any pay for. I was employed on the foreign accounts while Mr. Beale was absent. When he returned, I continued in the office at the instance of the Fifth Auditor, and of Judge Woodbury, Secretary of the Treasury. The Auditor had no funds to pay me, and could not, therefore, give me any assurances of compensation unless Congress should allow it; and the Secretary refused to allow it out of the contingent fund of the Treasury Department. I staid in the office, employed for government, till 9th day of July, 1838. During that time, about two months and a third, I supplied the place of John H. Houston, esq., (who had leave of absence,) employed on the foreign accounts. Mr. Houston had \$1,400 per annum. I expected his place if he did not return. He paid me nothing for my services while I was so employed in his place. During the thirteen months and twelve days I was employed after the return of Mr. Beale, I was employed in settling accounts between Mr. Morgan and others. It took me and the others nearly seven months to settle this account. I got

no pay directly or indirectly from any person whatever for these services. I was induced to work thus by the assurance of the Auditor that so soon as Congress passed a bill authorizing additional clerks I should be appointed, if I would stay, and that if Congress would make an appropriation for me, I should be paid for my services. I made also light-house drawings, and purchased the materials for doing the same. I was appointed 9th July, 1838, at \$1,000 per annum. For sixteen months and twelve days, at \$1,000 per annum, deducting the \$20 paid me by Robert Beale, and allowing me \$20 for the materials purchased by me, making \$1,366 60, which I claim as equitably due me.

JOHN DEVLIN.

Sworn and subscribed before me, February 15, 1848.

T. C. DONN,

Justice of the Peace for Washington county, D. C.

The committee found some difficulty in agreeing to sanction the employment of persons in the public offices in a manner not authorized by law, as stated in the examination and in the letter of the Fifth Auditor, filed among the papers. Provision, doubtless, should be made for the employment of persons to aid when the pressure of business creates a necessity for such course; but no act of Congress ever provided or allowed the practice of getting the services of individuals, to be rendered gratuitously in expectation, or with assurances of compensation, dependant on future Congressional legislation, and especially in anticipation of receiving a clerkship, the creation of which is applied for and expected from Congress. Such practice would, on many accounts, be highly pernicious. Where imperative necessity exists for the employment of an additional clerk or clerks in any office, such employment, if not allowed by express law, should, in every case, be reported immediately to Congress. Several cases of the same character as this have, however, heretofore occurred, and the schedule book shows that Congress has repeatedly made the proper allowance to those who rendered the service. Under these precedents, and as the petitioner appears to have rendered valuable and faithful services, for which he has not received compensation from any source, the committee have reported a bill allowing his account to be audited and settled and paid, not exceeding \$1,000 per annum, for sixteen months and twelve days that he was employed for and rendered service to the United States.